

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 32699 of 1998

Between:

N.Krishnavenamma, W/o K.Sivasankara Reddy,
3/67, Vidyanagar Colony, Tirupathi-5175002.

..... PETITIONER

AND

- 1 Executive Officer, Tirumala Thirupathi Devasthanams, Tirupathi.
- 2 Principal, Sri Padmavathi Women's Degree College, Thirupathi.
- 3 Board of Trustees, Tirumala Thirupathi Devasthanams, Tirupathi.
4. The Special Secretary, Govt. of A.P. Finance and Planning Department,
Secretariat, Hyderabad.

(R-4 is impleaded as per Court orders dated 30-10-1999 in WPMP 27789
of 1999)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ or order or direction; (a) holding that AP (Public Employment) Alteration of Date of Birth Rules, 1984 read with Rule 4 of TTD Employees Service Rules 1989 are applicable only to administrative alteration of date of birth by the employer and the petitioner is entitled to obtain direction from this Hon'ble Court directing the Executive officer, TTD to incorporate correct date of Birth in the Service Registrar Dehors the said Rules of alternatively; (b) declare Rule 4 as invalid as offending Art.14 and consequently declare that Rule-2 does not apply to the petitioner having been appointed before the commencement of Rules and as such there is no bar for TTD to incorporate the correct date of birth in service registrar or alternatively; (c) Rule 4 has to be read down as permitting application for alteration of date of birth on grounds of bona fide clerical error and accordingly direct the Board of Trustees, TTD to alter the date of birth of the petitioner as 24-1-50 in the service registrar treating it as bona fide clerical error under Rule 2(5) of AP Public Employment Alteration of Date of Birth Rules, 1984 read with Rules 4 and 5 of the

TTD Employees Rules, 1989; and (d) consequently direct the 1st respondent and 3rd respondent to incorporate 24-1-50 as the correct date of birth in the service registrar of the petitioner and grant her all consequential benefits of super annuation and pension etc.,

Counsel for the Petitioner:MR.P.SRINIVAS REDDY

sCounsel for the Respondents 1 to 3: MR.S.VENKATESWARA RAO

Counsel for the Respondent NO.4: G.P. for Finance and Planning

The Court made the following :

ORDER: (Per the Hon'ble Sri Justice G.Bikshapathy)

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This writ petition is filed seeking the following prayer;

“ (a) holding that Andhra Pradesh (Public Employment) Alteration of Date of Birth Rules, 1984 read with Rule 4 of Tirumala Tirupathi Devasthanams Employees Service Rules 1989 are applicable only to administrative alteration of date of birth by the employer and the Petitioner is entitled to obtain direction from this Hon'ble Court directing the Executive Officer, Tirumala Tirupathi Devasthanams to incorporate

correct date of Birth in the Service Register de hors the said Rules or alternatively;

(b) declare Rule 4 as invalid as offending Article 14 and consequently declare that Rule-2 does not apply to the petitioner having been appointed before the commencement of Rules, and as such there is no bar for Tirumala Tirupathi Devasthanams to incorporate the correct date of birth in service register or alternatively;

(c) Rule 4 has to be read down as permitting applicant for alteration of date of birth on grounds of bona fide clerical error and direct the Board of Trustees, Tirumala Tirupathi Devasthanams to alter the date of birth of the petitioner as 24-1-1950 in the service register treating it as bona fide clerical error under Rule 2 (5) of the Andhra Pradesh Public Employment Alteration of Date of Birth Rules, 1984 read with Rules 4 and 5 of the Tirumala Tirupathi Devasthanams Employees Rules, 1989; and

(d) consequently direct the 1st and 3rd Respondents to incorporate 24-1-1950 as the correct date of birth in the service register of the Petitioner and grant her all consequential benefits of super-annuation and pension etc., and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case".

2. It is the case of the petitioner that she joined in Sri Padmavathi Women's Degree College, Tirupathi on 18-2-1974 as Lecturer and now working as Reader in Political Science. According to her, even though her actual date of birth is 24-1-1950, but it was wrongly entered in the service record as well as educational certificates as 1-7-1947. Therefore, she made representations to the authorities requesting change of her date of birth from 1-7-1947 to 24-1-1950. But, the same were not considered and finally in the year 1998 she renewed her request and the same was rejected. Against which, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner Sri C.V.Mohan Reddy submits that the Rules as framed by the Government relating to the alteration of date of birth have been adopted by Tirumala Tirupathi Devasthanam. But, however, inasmuch as there is no provision to change the date of birth, this provision has to be declared invalid and offending Article 14 of the Constitution of India. He also submits that the action of the authority is not bona fide. When the petitioner has been able to

establish that her actual date of birth is 24-1-1950, it is incumbent on the part of the authorities to effect necessary changes in the date of birth of the petitioner.

4. Heard the learned counsel for Tirumala Tirupathi Devasthanams Sri S.Venkateswar Rao for Respondents 1 to 3 and also the learned Government Pleader for Finance and Planning for Respondent No.4.

5. In spite of elaborate arguments made by the learned counsel for the petitioner, we find that there are laches on the part of the petitioner. When she entered in service in 1974, she appears to have made a representation. Thereafter, in 1997 and 1998, she made subsequent representations. Hence, we are of the view that the petitioner kept quiet for more than nearly 25 years without pursuing the remedies available to her under law.

6. Thus, without going into the validity of the Rules, we find that there are laches on the part of the petitioner.

7. According, the writ petition is dismissed. No order as to costs.

G.Bikshapathy, J.

P.S.Narayana,J.

9th March, 2005

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 Executive Officer, Tirumala Thirupathi Devasthanams, Tirupathi.
- 2 Principal, Sri Padmavathi Women's Degree College, Thirupathi.
- 3 Board of Trustees, Tirumala Thirupathi Devasthanams, Tirupathi.
4. The Special Secretary, Government of A.P. Finance and
Planning Department, Secretariat, Hyderabad.
5. 2 CCs to the Govt. Pleader for Finance and Planning, Hyd. (OUT)
- 6 2 CD copies

THE HONOURABLE SRI JUSTICE G.BIKSHAPATHY

AND

THE HONOURABLE SRI JUSTICE P.S.NARAYANA

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W.P.No. 32699 OF 1998

9th March, 2005

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